THE HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
THE HON'BLE SRI JUSTICE P. SWAROOP REDDY

TAKEN UP WRIT PETITION NO.19158 OF 2007

Date: 17.9.2007

Between:

Smt. Mujeebunissa … Petitioner

And

The Inspector of Police,
Task Force,
Hyderabad District and another. …. Respondents.

ORAL ORDER: **(per A. Gopal Reddy, J)**

The telegram dated 5.9.2007 sent by one Smt. Mujeebunissa W/o Late

Asgharali, resident of Tadban, Hyderabad to the Hon'ble the Chief Justice seeking production of her sons - Md. Wasay and Md. Rafay alleging that they were illegally detained by the Sub-Inspector of Police, Task Force on 30.8.2007 was taken up as writ of habeas corpus.

In response to the notice issued, the Inspector of Police, Special Investigation Team filed a counter-affidavit stating that the alleged detenus are brothers, that alleged detenu No.1 is Accused No.14 in Crime No.198 of 2007 for the offence under Sections 120-B, 125 and 126 IPC of Gopalapuram P.S., that he was arrested by the police on 8.9.2007 and produced before the X Additional Chief Metropolitan Magistrate, Secundeerabad for remand, that on such production the learned Magistrate remanded him to judicial custody and now he is lodged at Central Prison, Cherlapally.

As regards the alleged detenu No.2, it is stated that he is accused No.2 in Crime No.90/2007 of Bolaram Police Station, registered for the offence under Section 41 Cr.P.C, that he was arrested by the police personnel of Gopalapuram P.S. on 5.9.2007 when he was moving under suspicious circumstances, that he along with the other accused was produced before the Special Executive Magistrate, Hyderabad on 5.9.2007 for passing appropriate orders, that the Executive Magistrate passed orders in M.C.Nos.392 and 393 of 2007 binding over the alleged detenu No.2 and A.1 in the crime for keeping good behaviour for a period of one year and that after obtaining surety from the alleged detenu he was handed over to his parents.

Since the alleged No.1 was arrested in connection with a crime and was subsequently remanded to judicial custody by a lawful order passed by the Magistrate, the allegation that he was under illegal detention of the police is not correct. As regards the alleged detenu No.2, he was produced before the Special Executive Magistrate, Hyderabad and the learned Magistrate passed orders on 6.9.2007 binding over him and the other accused for keeping good behaviour for a period of one year and he was released on his executing a personal bond and thereafter he was handed over to his parents. In view of the same, no further orders need to be passed in the Writ Petition, which is accordingly dismissed.

A. GOPAL REDDY, J

17th September, 2007 **P. SWAROOP REDDY, J**

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